

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
 ) CASE NO. CR13-161-JLR  
Plaintiff, )  
 )  
v. )  
 ) DETENTION ORDER  
MARCELINO VILLAVICENCIO, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Offenses charged: Conspiracy to Distribute Controlled Substances, Possession of Heroin  
and Cocaine with Intent to Distribute, Possession of Heroin with Intent to Distribute, and Illegal  
Reentry after Deportation.

Date of Detention Hearing: May 31, 2013.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
that no condition or combination of conditions which defendant can meet will reasonably  
assure the appearance of defendant as required and the safety of other persons and the  
community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been charged with a drug offense, the maximum penalty of which is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both dangerousness and flight risk, under 18 U.S.C. § 3142(e).

2. Defendant is reportedly a citizen of Mexico.

3. The United States alleges that his presence in this country is illegal. There is an immigration detainer pending against him. The issue of detention in this case is therefore essentially moot, as the defendant would be released to immigration custody if not detained in this case.

4. Defendant and his counsel offer no opposition to entry of an order of detention.

5. Upon advice of counsel, defendant declined to be interviewed by Pretrial Services. Therefore, there is limited information available about him.

6. Taken as a whole, the record does not effectively rebut the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

It is therefore ORDERED:

1. Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. Defendant shall be afforded reasonable opportunity for private consultation with counsel;

3. On order of the United States or on request of an attorney for the Government, the

01 person in charge of the corrections facility in which defendant is confined shall deliver  
02 the defendant to a United States Marshal for the pupose of an appearance in connection  
03 with a court proceeding; and

- 04 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel  
05 for the defendant, to the United States Marshal, and to the United State Pretrial Services  
06 Officer.

07 DATED this 31st day of May, 2013.

08 s/ Dean Brett  
09 United States Magistrate Judge